JOSHUA RALSTON
University of Edinburgh

Law and the Rule of God
A Christian Engagement with Sharīʿa

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Sharīʿa is one of the most hotly contested and misunderstood concepts and practices in the world today. Debates about Islamic law and its relationship to secularism and Christianity have dominated political and theological discourse for centuries. Unfortunately, Western Christian theologians have failed to engage sufficiently with the challenges and questions raised by Islamic political theology, preferring instead to essentialize or dismiss it. In *Law and the Rule of God*, Joshua Ralston presents an innovative approach to Christian-Muslim dialogue. Eschewing both polemics and apologetics, he proposes a comparative framework for Christian engagement with Islamic debates on *sharīʿa*. Ralston draws on a diverse range of thinkers from both traditions including Karl Barth, Ibn Taymiyya, Thomas Aquinas, and Moḥammad al-Jābrī. He offers an account of public law as a provisional and indirect witness to the divine rule of justice. He also demonstrates how this theology of public law deeply resonates with the Christian tradition and is also open to learning from and dialoguing with Islamic and secular conceptions of law, sovereignty, and justice.

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For Sarah

Contents

Acknowledgments

The ideas of this book began during the halcyon days shortly after Hosni Mubarak stepped down as the president of Egypt. During the spring of 2011, I lived in Egypt, teaching courses at the Evangelical Theological Seminary of Cairo to Egyptian Christians (and one Italian Nun) on Christian-Muslim dialogue. It was in Cairo and then later for two years in Ramallah that I began to wrestle with the central ideas and to write – in fits and starts – the first drafts of this project. The work began when the possibilities of a renewed political and social vision, beyond the confines of dictatorial nationalism or religious slogans, seemed not only possible but imminent. I write this acknowledgment as "wars and rumors of war" engulf much of the Levant, Mesopotamia, and parts of North Africa: the Syrian War continues to displace and kill millions; the chaos unleashed by the United States led invasion of Iraq is unabated; millions of Palestinians still lack the basic dignities offered by citizenship; and populist nationalist parties have gained power and traction across Europe and North America, in part through anti-Muslim, anti-Jewish, and antimigrant appeals.

Writing would have been easier had I heeded Karl Barth's advice to write theology as if nothing happened. But how could I when my Palestinian neighbors were crossing countless checkpoints daily to get to work? How could I write about law being a witness to God's rule when the law was being invoked to justify the eviction of Palestinians from their own homes? How could I dare offer a sympathetic approach to *sharīʿa* when Daʿesh (ISIS) or the al-Nusra front invoked divine law to justify murder? How could

I write hopefully about Christian-Muslim relations when the Egyptian pastors that I had taught in Cairo were posting on Facebook about their churches being burned down? How could Christian theologies of law be untangled from their anti-Semitism, when anti-Jewish attacks and rhetoric were once again prominent in the United States and Europe? How could Christian visions of public law be a source for prophetic and radical possibilities, when the gospel and Christian tradition are invoked to close borders and separate families? I still have no answers to these persistent realities, but I have worked diligently to write about texts and ideas without ceasing to hear the constant interrogations offered by human beings and societies. Even though the arguments of this book only tangentially name or discuss the current sociopolitical realities of Europe, the United States, and most of all the Levant and Egypt, the issues – no, the people and their hopes, joys, dreams and ṣumūd – form the deep motivation of my work.

This book is a major revision of a PhD completed in the Graduate Division of Religion at Emory University. I offer a *shukran jazilan* to Abdullahi An-Naʿim, whose seminar on Islamic Law and participation in my comprehensive exam committee provided the intellectual foundation for much of my research into *sharīʿa* and *fiqh*. The inchoate ideas for this comparative project began in a directed study with Richard C. Martin on Modern and Contemporary Islamic Thought. I am grateful to Rich for introducing me to the complexity of Islamic debates, for his engagement with my work, and for his willingness to tolerate my theological inclinations. Joy Ann McDougall's energy and commitment to her students are nearly without parallel. For over a decade, Joy has been teaching me the value of a close reading of a text and the importance of theological passion; she has been an intellectual sparring partner and fellow lover of a long coffee break. Steffen Lösel introduced me to theological conversations and debates, particularly in the German and Catholic worlds, that continue to open my thinking to new possibilities. A long conversation with him deep into the night in the spring of

2013 revitalized my hope that I might complete this project. Even if my Reformed commitments indicate otherwise, Ian A. McFarland's theological perspective has profoundly shaped this book, my broader theological inclinations, and my approach to scholarship. Ian has modeled an approach to theology that is deeply committed to the tradition(s) and simultaneously open to the diversity of the world. For all of my teachers, I hope this work and my continued teaching and writing might bear witness – but not capture – the profound importance of your vocations as scholars and teachers.

At Emory, I am grateful for a broader cohort at Candler and the Graduate Division of Religion that included lifelong friends and models of scholarship, especially Parker Diggory, Carl S. Hughes, Adam Young, Jessica Smith, and Kyle Tau. Those in the community of Clarkson, especially Gad Mpoyo, Luma Mufleh, and Ibrahim, 'Amr, and Tamir Abdelhamed, shaped this work more than they will ever realize. Even after he left for Fordham, John David Penniman has influenced my life and work more than anyone else at Emory. His wide-ranging intellectual interests, friendship, and abiding kindness have been a constant source of scholarly and human companionship – a sustaining gift that allows us to jointly navigate life in academia.

The first version of this work was completed while working as an Instructor of Theology at Union Presbyterian Seminary in Richmond, Virginia, from 2013 to 2015. President Brian K. Blount and Dean Stanley Skreslet were ardent supporters of my teaching and writing, giving me more time to write than I deserved. My colleagues-turned-friends, especially Dawn DeVries, Katie Geneva Cannon, Christine Luckritz Marquis, and Paul Galbreath, profoundly shaped my theology, pedagogy, and ethics. I am grateful for the countless conversations, coffees, and meals that we shared. The interfaith community of Richmond, particularly Imad Damaj, Bill Sachs, and Ammar Amonette, continues to be a model for the type of public interreligious engagement that takes both justice and difference seriously.

courses, symposia, and seminars that we have been able to run and organize have encouraged an interdisciplinary and transnational cohort of scholars. I am thankful for those who have read and engaged my work in this book, especially during presentation at the University of Paderborn, Boston College, Hamad bin Khalifa University, American University of Cairo, Yale Divinity School, the Islamic and Middle Eastern Studies Department at Edinburgh, and the Candler School of Theology. Three colleagues in particular merit special thanks for their critical engagement and intellectual friendship: Linn Marie Tonstad, Klaus von Stosch, and Marianne Moyaert. They will agree not with all, or even much in this book, but all three have made me a better thinker and theologian.

The whole team at Cambridge University Press has provided amazing support. Iain Torrance believed in this project and the book idea with unwavering commitment. The comments from anonymous reviewers and also two previous reviewers vastly improved the book, even if errors remain. Beatrice Rehl and Eilidh Burrett provided invaluable editorial and practical support for this project. I am also grateful to Stephanie Sakson for her expert copy editing, Travis Ables for assistance on the index, and Khaled al-Saai for the stunning art on the cover of the book.

None deserves more thanks than my family.

To my in-laws Jan and Ty Miller: You have endured the perplexity of having your first son-in-law seemingly stuck as a perpetual student. Your love, support, occasional questions about my writing, vacations, and warmth continue to be a life-giving witness to God's grace. It is a gift to be part of the broader family of Riley, Mary Claire, Eric, Molly, Nick, and my nieces and nephews.

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older brother and to see your commitment to your vocations and family.

More than anyone else, save one, my daughters – Adele Charis and Miriam Noor – are my grace and light.

I owe no one more than my partner in life, Sarah Elizabeth Miller. Her life and vocation – especially in the globe-hopping years that it took me to complete this project – has been a dynamic and embodied witness to the promise of God's justice. You vibrantly live what I can only struggle to write.

Notes on Transliteration and Texts

Arabic texts and names have been transliterated using the system of the *International Journal of Middle East Studies*. Major cities or countries have been left in common English usage (Mecca instead of Makka), and names and terms cited directly in quotes or in titles of books have not been altered. Biblical citations are from the New Revised Standard Version, with minor translation alterations noted. Qur'ānic citations are from Seyyed Hossein Nasr, Caner K. Dagli, Maria Massi Dakake, Joseph E. B. Lumbard, and Mohammed Rustom, *The Study Quran: A New Translation and Commentary* (New York: HarperCollins, 2015), although all have been slightly altered by myself to accord with my own reading of the Arabic.

1 | Christian Political Theology as Comparative Theology

Recently, a spate of legislation was passed throughout Western Europe and North America aimed at responding to the increasing number of Muslims residing within Western nation-states.[1] In November of 2009, Switzerland approved a constitutional referendum banning the construction of any new minarets.[2] France leveraged its long tradition of *laïcité* in order to bar women from wearing the *burqaʿ* or *niqāb* in public, some regions going so far as to challenge the rights of women to cover themselves fully at the beach or while swimming. The Netherlands considered banning kosher and halal methods for slaughtering animals. State Question 755 of Oklahoma, which forbids international law or *sharīʿa* as serving as a source for state law, passed with 70 percent of the vote.[3] Throughout the United States, debates about the construction of Islamic centers and mosques raged from metropolises like New York City to small cities, such as Temecula, California. In addition to formal legislation, Angela Merkel, Nicholas Sarkozy, David

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[1] According to most estimates, there are approximately 20 million Muslims now living in Western Europe, which makes it the second largest religion in Europe. Moreover, "This expansion, while boosted initially by immigration, is likely to be significantly enhanced in the twenty-first century by the higher birth rate of Muslims compared to non-Muslim Caucasian majority." Rex Adhar and Nicholas Aroney, "The Topography of Sharīʿa in the Western Political Landscape," in Rex Adhar and Nicholas Aroney, *Sharīʿa in the West* (New York: Oxford University Press, 2010), 12.

[2] For an analysis, see Todd Green, "The Resistance to Minarets in Europe," *Journal of Church and State* 52 (2010), 619–643.

[3] Nadia Marzouki, *Islam: An American Religion*, translated by C. Jon Delogu (New York: Columbia University Press, 2017), chapter 3.

Cameron, François Fillon, and Viktor Orbán have publicly questioned the capacity of Muslims to integrate or assimilate into Germany, France, Hungary, and the United Kingdom. The January 2015 attacks on the office of *Charlie Hebdo* in Paris and the copycat attack on a free speech meeting in Copenhagen in February of the same year only heighten Western Europe's questions about Islam and Muslims.[4] The increasing rise of populist nationalist candidates, such as Donald Trump, Viktor Orbán, Marie Le Pen, and others, has traded on anti-Muslim rhetoric and appeal to cultural rivalry and difference.[5] Undergirding much of European debate over migration are spoken and unspoken worries around Muslim integration into political liberalism.

Debates are not limited to Western societies; questions of the relationship between public law, religious law, and ethnic or religious minorities have also been at the forefront of recent debate within Muslim-majority societies. Indonesia, the most populous Muslim country, continues to struggle with how to balance its constitution's promise of freedom of religion and civil law with the demands for both customary laws and *sharīʿa*. Malaysia has recently passed legislation that would allow only Muslims to use the term "Allah," while the 2017 elections in Indonesia for the Jakarta governorship was marked by debates about blasphemy and the propriety of a Christian leading a Muslim majority population. The March 2011 assassination of Shahbaz Bhatti, Pakistan's Minorities Minister, appeared directly related to his calls for reforms to Pakistan's blasphemy laws. The rise of the Justice and Development Party (AK Party) is increasingly challenging Turkey's own long-standing *laïcité*, even as Turkey lauds its secular credentials

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[4] For a study on the rise of anti-Muslim rhetoric in Western Europe and North America, see Todd Green, *The Fear of Muslims: An Introduction to the Problem of Islamophobia in the West* (Minneapolis: Fortress Press, 2015).

[5] See Joshua Ralston, "Bearing Witness: Reframing Christian-Muslim Encounter in Light of the Refugee Crisis," *Theology Today* 74 (2017): 22–35.

as it presses for admission into the European Union. Post-Mubarak Egypt brought to the surface long-simmering tensions between Coptic Christians, Islamists, and various other Muslims. How the demands of a majority religion for formal recognition will allow for equal legal protection of minorities is an ongoing debate, one that has taken on even more urgency after the revolutions and wars of 2011. At the center of many of these debates are questions about the relationship between *sharī'a*, the historical concept of *dhimmī* (protected minority status for non-Muslims), and national law. In a more radical fashion, ISIS/Da'esh's proclamation that it has established a universal caliphate that properly enforces Islamic law and rejects human law is central to its political theology. In fact, the tenth edition of its monthly magazine, *Dābiq*, provides a programmatic vision that claims that the only proper way for Muslims to follow the divine *sharī'a* is for it to be enforced by an Islamic polity.

These recent events reinforce long-standing anxieties in Western Europe and North America about Islam, its relationship with liberal values, and Muslims' capacity to live within Christian or secular states. While medieval anti-Islamic rhetoric is well known, exemplified by the twin events of the Crusades and the Reconquista, early modern political thinkers show strong concern about the compatibility between Islam and the emerging political culture of Western Europe. Take, for instance, John Locke's seminal text, *A Letter Concerning Toleration*:

> It is ridiculous for any one to profess himself to be a Mahometan only in his religion, but in everything else a faithful subject to a Christian magistrate, whilst at the same time he acknowledges himself bound to yield blind obedience to the Muftī of Constantinople, who himself is entirely obedient to the Ottoman Emperor and frames the feigned oracles of that religion according to his pleasure. But this Mahometan living amongst Christians would yet more apparently renounce their government if he acknowledged the same

person to be head of his Church who is the supreme magistrate in the state.[6]

Locke judges Muslims, as well as atheists, Jews, and Roman Catholics, to be ipso facto incapable of living in his proposed political community.[7] The problem according to Locke is that Muslims cannot maintain allegiance to their Islamic convictions and also loyally reside under a non-Muslim political authority; ultimate allegiances lie elsewhere and thus threaten the stability of the political community. The emergence of international law and the law of nations in the seventeenth to nineteenth centuries also shows evidence of contradistinctions around claims to universality, on the one hand, and questions about Muslim belonging, on the other. Jennifer Pitts's *The Boundaries of the International* charts how important political and legal thinkers such as Gentili, Leibniz, and Grotius appealed to natural law and inherent equality through "resolutely universalist language," even as they also made distinctions between "law abiding Europeans and Muslims."[8]

These worries crystallize today around the issue of state-enforced *sharīʿa*, whether in the constitutions of Muslim majority societies or in the increased demands for Western accommodation to Muslim immigrants. The intertwined realties of globalization and migration only heighten debates. For instance, what might once have been a largely intra-Muslim or at least regional negotiation regarding the relationship between *sharīʿa* and national law in the new constitutions of Egypt, Iraq, Tunisia, or Libya now features prominently

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[6] John Locke, *A Letter Concerning Toleration*, edited by John Horton (New York: Oxford University Press, 1991), 32.

[7] Within Locke studies there are numerous debates about how to interpret Locke's apparent exclusion of Catholics, Jews, and Muslims. See John Perry's *The Pretenses of Loyalty: Locke, Liberal Theory, and American Political Theology* (New York: Oxford University Press, 2011), part II.

[8] Jennifer Pitts, *Boundaries of the International: Law and Empire* (Cambridge, MA: Harvard University Press, 2018), 23.

in Western policy discourse. In turn, members of the Muslim Brotherhood in Egypt defend their Islamic position with recourse to terms that have global currency such as human rights, minority protection, and democracy.[9] Even highly authoritarian governments in the Arab world continue to maintain their power and control over dissent and society, in part by promoting their own roles in fostering "religious tolerance" to Western powers and contrasting this with the threat of Muslim political parties. The complex and rapidly changing political and social realities in Mesopotamia, the Levant, and North Africa have only heightened questions regarding the relationship between tolerance, law, religious diversity, and the nature of the state.[10]

Moreover, Western secular states find Muslim citizens and immigrants challenging their political systems by demanding accommodation and recognition of their Islamic identity by invoking the principles of religious freedom and human rights. As evidenced by the litany of public legislation, Western nation-states have increasingly developed political and legal responses to Muslim immigration and the accompanying demand for some forms of accommodation to *sharīʿa*. In February 2008, Rowan Williams, then Archbishop of Canterbury, in a provocative lecture on *sharīʿa* in the United Kingdom, caused one of the most public controversies related to these questions. The lecture also hints at the complex ways that rhetoric around Christian and secularism, on the one

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[9] "Islamism is a work in project. The Brotherhoods' discourse has been penetrated by democratic language. It has partly moved way from a vision of religious supremacy in favor of religiously backed democracy.... The Brotherhood stands at a crossroads. It has nuanced its view of the relation of the state to the divine enterprise. Its younger members increasingly recognize that the state, though important, is not revealed by God." Paul L. Heck, *Common Ground: Islam, Christianity, and Religious Pluralism* (Washington, DC: Georgetown University Press, 2009), 174.

[10] For many, Daʿesh (or the Islamic State in Iraq and Syria) is the quintessential example of the problem and challenge of *sharīʿa*. Here is a purported caliphate that justifies the mass execution of political prisoners, the crucifixion of dissidents, and the destructions of mosques and temples in the name of *sharīʿa*.

hand, and Islam, on the other, are juxtaposed and contrasted. Williams proposed that the United Kingdom consider legally allowing Muslims to have recourse to *sharīʿa* under the broader umbrella of English and Welsh law. "There's a place for finding what would be a constructive accommodation with some aspects of Muslim law, as we already do with some other aspects of religious law."[11] Newspapers throughout the United Kingdom ran reports on the archbishop's comments, and numerous opinion pieces offered searing observations of the lecture's proposals. Critique came not simply from the tabloids, news media, or ardent secularists opposed to any discussion of established religion. Some members of parliament condemned the argument as disastrous, legally incoherent, and a return to pre-Enlightenment religious barbarism. Numerous high-ranking church officials, including the previous Archbishop of Canterbury, George Carey, and the Bishop of Rochester, Michael Nazir-Ali, offered negative assessments with some implying that he should consider resigning his post.[12] Williams's mere suggestion that forms of Islamic legal practice around family law might be legally recognized, insofar as they are fit within a broader and overarching commitment to the primacy of the state's law, was made tantamount to endorsing and encouraging an Islamist vision of state-enforced *sharīʿa*. The public and ecclesial outcry over the mere mention of *sharīʿa* was highlighted – possibly even predicted – in the opening paragraphs of the lecture. Williams discussed how often non-Muslims view *sharīʿa* as if "what is involved in the practice" is essentially "a pre-modern system in which human rights have no role" and where women and non-Muslims are treated in barbaric ways.[13] Without denying that *sharīʿa* is not the

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[11] Rowan Williams, "Civil and Religious Law in England: A Religious Perspective," in Adhar and Aroney, *Sharīʿa in the West*, 298.

[12] For more on the controversy, see Mike Higton, "Rowan Williams and Sharia: Defending the Secular," *International Journal of Public Theology* 2 (2008): 400–417.

[13] Williams, "Civil and Religious Law in England: A Religious Perspective," 293.

same as modern legal systems, Williams presented a much more nuanced and rich vision of *sharīʿa* and various Muslim-majority juridical and political arrangements. The internal diversity of Islamic jurisprudence was noted; critiques and questions were raised of dominant Islamic traditions; and a strong distinction was drawn between Williams's vision for Muslim family courts in Britain and Islamist accounts of a *sharīʿa* state like those proposed by Sayyid Quṭb. This nuance mattered very little in the subsequent uproar – which fixated on essentialist visions of both *sharīʿa* and British law marked by inherent rivalry and difference.

That *sharīʿa* would elicit controversy and not critical conversation, out-right rejection and not considered critique is unsurprising. Christian worries about *sharīʿa* are not new but have a long genealogy in both political theology and Christian-Muslim dialogue and polemics. From at least John of Damascus's early depiction of Islam as a heresy to the Latin translation of "The Apology of al-Kindī," Christians have regularly described Islamic views of God and the law as demonic and dangerous.[14] The Damascene ends his appraisal of the Ishmaelite heresy with a series of critical observations on Muslim practices around divorce and remarriage, dietary practices related to food and wine, as well as circumcision. Taken together, these legal and religious practices offer additional evidence of the deceptiveness of Muḥammad and the heresy of Islam. The searing riposte by the ninth-century Arab Christian al-Kindī depicts *sharīʿa* as akin to the "law of Satan," contrary to both the divine law given through Jesus and natural law rooted in creation and reason.[15] In an extended discussion filled with rhetorical questions, al-Kindī presses his reader to view Muḥammad's military victories as

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[14] For the textual and historical debates around "The Apology of al-Kindī," see P. S. van Koningsveled, "The Apology of Al-Kindī," in Theo L. Hettema and Arie van der Kooj, *Religious Polemics in Context: Papers Presented to the Second International Conference of the Leiden Institute for the Study of Religions* (Assen: Van Gorcum, 2004), 69–84.

[15] N. A. Newman (ed.), *The Early Christian-Muslim Dialogue: Translations with Commentary* (Hatfield: Interdisciplinary Biblical Research Institute, 1993), 443.

indicative of the violent nature of *sharīʿa*. What is even worse in al-Kindī's reading of Islam and law is that it usurps Christ's grace and finality – substituting a false prophet for the goodness of God revealed in Jesus. Themes of violence, sexual deviance, and theological legalism continue in later Western readings of *sharīʿa*. In his letter "War with the Turks," Martin Luther regularly compares the practices of the Turks to the works righteousness of Rome and condemns the sexual licentiousness of Muslims around marriage and divorce. He even explicitly states that "robbing and murdering, devouring and destroying more and more ... is commended in their law as a good and divine work."[16] While Luther does not seem aware of the term *sharīʿa* or *jihād*, the deep problems of Muslim politics and piety are all connected to wrong ideas about law.

 These critical comments, marked as they are by varying degrees of knowledge about Muslim practices and Islamic legal traditions, continue to reverberate in many Christian discussions, both popular and academic, about Islam and law today. Moreover, in societies in the West shaped by Christianity, political liberalism, and secularism – even if these three are not the same and have a complex relationship – Christianity is increasingly invoked even by non-Christians as a positive alternative and bulwark against Islam and migrants. There remains a deep-seated unease among most Christians and other non-Muslims in the West with the very notion of *sharīʿa*. For many non-Muslims, *sharīʿa* is largely associated with theocratic government, limits on personal freedom, punishments of amputation and stoning, and patriarchy. For Christian theologians, especially those shaped by Augustinian readings of Paul that distinguish strongly between law and grace or the letter and the spirit, Islam's apparent fixation on law is both theologically and politically dangerous. Such concerns about Islam's relationship to the public arena persist to this day, characterized in the oft-repeated dictum

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[16] Martin Luther, "On War with the Turks," in *Luther's Works*, vol 46, edited by Helmut Lehmann and Robert C. Schultz (Philadelphia: Fortress Press, 1967), 178.

that Islam recognizes no distinction between religion and politics. Typically, these observations are quickly followed by condemnation. Summarizing this dynamic, William Cavanaugh notes how "contemporary liberalism has found its definitive enemy in the Muslim who refuses to distinguish between religion and politics."[17] In fact, Joseph A. Massad has recently argued that Islam is central to the ideology, identity, and historical construction of Western liberalism. "Liberalism as the antithesis of Islam has become one of the key components of the very discourse through which Europe as a modern identity was conjured up."[18] Over half a century ago, the American Christian ethicist Reinhold Niebuhr argued that the demise of the Ottoman Empire and the waning of Islamic power were due to its "own inner corruptions . . . The Sultan of Turkey found it ultimately impossible to support the double role of political head of a nation and spiritual head of the Islamic world."[19] While Niebuhr's claim about Islam's demise is certainly dated given its global resurgence since the Iranian Revolution, his overly simplistic diagnosis remains widely held.[20] Muslims' perceived inability to integrate into the West, adopt liberal democracy, or protect minority rights commonly is attributed to Islam's insistence on merging the spiritual and political. Islam in general and *sharīʿa* more specifically has long been, in the words of Gil Anidjar, Christianity's "theological enemy."[21]

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[17] William T. Cavanaugh, *The Myth of Religious Violence* (New York: Oxford University Press, 2009), 5.

[18] Joseph A. Massad, *Islam in Liberalism* (Chicago: University of Chicago Press, 2015), 11.

[19] Reinhold Niebuhr, *The Irony of American History* (Chicago: University of Chicago Press, 2008), 128.

[20] Critical examination of thinkers who hold such a view of Islam can be found in chapter 4 of Cavanaugh's *The Myth of Religious Violence* and throughout Elizabeth Shakman Hurd's *The Politics of Secularism in International Relations* (Princeton: Princeton University Press, 2008).

[21] Gil Anidjar, *The Jew, the Arab: A History of the Enemy* (Stanford: Stanford University Press, 2003).

One need not deny the complex way that appeals to enforce *sharīʿa* function in Muslim majority politics or the violent acts done in its name to challenge the tendency by Christian theologians and committed political pluralists to avoid any discussion of *sharīʿa* in Islamic political theology whatsoever. The choice should not be between outright polemics or essentializing apologetics of *sharīʿa*. What is needed is an approach that engages in honest, nuanced, and critical ways with the diverse debates and visions that Muslims and the Islamic legal-theological traditions themselves have and are having on *sharīʿa,* sovereignty, justice, and the rule of God. Regardless of non-Muslim opinions, the fact remains that *sharīʿa* is a central component of most Muslim practice and piety, a key aspect that shapes diverse living practices across time and space, as well as a powerful force in the Islamic imagination of a just world and societies. Yes, there is a danger of considering Islam as reduced to *sharīʿa*, but at the same time it is also impossible to engage with Islam without *sharīʿa.* To reject *sharīʿa* tout court – as inherently theocratic or barbaric or a works-based view of salvation that is incompatible with either Christian or liberal values – is to fail to engage in honest Christian-Muslim exchange, to collapse back into a dominate secular paradigm, and to evade one of the central political theological debates of the past century.

Lost in the uproar against Williams's lecture were the deeper questions that his argument sought to raise. In the conclusion of his lecture, Williams noted that engagement with *sharīʿa* demands clearer reflection about the "theology of law" and also a "fair amount of 'deconstruction' of crude oppositions and mythologies, whether of the nature of *sharīʿa* or the nature of the Enlightenment."[22] What is the use of the law? Is the secular as neutral as it claims to be? What exactly is *sharīʿa*? How do we

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[22] Williams, "Civil and Religious Law in England: A Religious Perspective," 303.

negotiate difference in ways that are both charitable and just? Does the law have any basis beyond itself? How might we live in a world of competing religious identities? What is the function and aim of the law, both theologically and politically, within such diverse contexts? These are fundamental questions that Christians, Muslims, and others must ask and answer before the concrete issue of multiple legalities or shared jurisdiction can be coherently addressed. Unfortunately, general ignorance and fear of *sharī'a* hindered Williams's call for a coherent conversation regarding the relationship between the state and the multiple identities found within it, religious or otherwise.

What is lacking in these quick dismissals of *sharī'a* in the name of liberalism, secularism, or Judeo-Christian values is a genuinely theo-political engagement with Islam that does not move too quickly into the Enlightenment dualities of public/private and religion/politics but engages with the complexity of Islamic theology, ethics, and law. Elizabeth Shakman Hurd has argued, "Political Islam is a modern language of politics that challenges, sometimes works outside of, and (occasionally) overturns fundamental assumptions about religion and politics that are embedded in the forms of Western secularism that emerged out of Latin Christendom."[23] Within this context, it is very difficult to have any form of constructive theological or political exchange about the pressing questions around political power, justice, human community, pluralism, and God – the very things that have preoccupied not only much of Islamic but also Christian and secular debates about political theology for the past millennia. For as Talal Asad has argued, "The attempt to understand Muslim traditions by insisting that in them religion and politics (two essences modern society tries to keep conceptually and practically apart) are coupled must, in my

[23] Elizabeth Shakman Hurd, *The Politics of Secularism in International Relations* (Princeton: Princeton University Press, 2007), 119.

view, lead to failure."[24] It is impossible to understand Islam or *sharīʿa*, in all their complexity and contestation, simply by invoking the often-repeated Arabic dictum: *Islām dīn wa dawla* – Islam is religion and state. Such an approach is bound to fall into the false trap of assuming that the theo-political and legal options available for Muslims, not to mention Christians, Jews, and others – are simply to choose between a form of national secularism that privatizes all "religious" claims or a theocratic state that imposes religious law through state apparatus.

The tendency to equate *sharīʿa* with the laws enforced by a nation-state or empire is a common one, among both certain Muslim movements and ardent critics of *sharīʿa*. Debates around *sharīʿa*'s presence in European and North American societies often turn around an assumption that *sharīʿa* is present only if and when it is granted legal recognition, accommodation, or enforcement by a government. But if one were to look at a standard *fiqh* book from the classical Islamic tradition, say, by Jalāl al-Dīn al-Suyūṭī, it is made up of lengthy discussions of numerous practices and "legal" acts already regularly taking place within Europe and North America: prayer, ritual ablution, marriage, dietary permission and restrictions, models for internal conflict resolution, contracts, banking regulations, and property rights. Most, although not all, are already innocuously present, legally accommodated, or even encouraged (just look at major banks and their work on Islamic finance) in the West as common everyday practices. Those are not, however, what most comes to mind in the many polemical debates about Islam and law: *ḥudūd*, laws around non-Muslim religious practices, blasphemy, animal slaughter, patriarchy and gender justice, and societies and nations governed by "religious" law. These are the central preoccupation of *sharīʿa* critics. And on the other side, among those who champion *sharīʿa* publicly in the West or those

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[24] Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993), 27–28.

Muslim movements who demand that *sharīʿa* is the only solution and Islam is the clear answer, a similar, albeit distinct, logic is in operation. Even if *sharīʿa* can be largely practiced within Muslim majority states, Europe, and North America, it is somehow not truly present until the state enforces it as such. Current debates, both by certain Muslim movements and by anti-*sharīʿa* movements, are unduly controlled by a state-focused interpretation of law and sovereignty. Both critics of Islam and those Muslims who seek to enforce their version of *sharīʿa* through the mechanisms of a nation-state are working with the same operating assumptions about law, justice, and *sharīʿa*, namely, that legitimacy ultimately depends on the state, which acts as sovereign. *Shariʿa's* validity, or at least its power, is tied to state or governmental enforcement. To truly have *sharīʿa*, it must be the law of the state and enacted by the sovereign. Divine sovereignty is imagined to be justified or rejected through the modern state's power. The state's power and recognition are enshrined, ironically at least for the religious believer, as the final sovereign. This is not the only or even the best way to understand the place of *sharīʿa* in modern political theology.

Political theology demands that we attend to these movements and transmutations of power, law, and sovereignty.[25] As I will argue

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[25] I use the qualifier of "Christian" political theology to distinguish Christian political theology and ethics from the post-Christian or postsecular political theology of figures such as Carl Schmitt and Giorgio Agamben. For more on post-Christian political theology, see, for instance, Hent de Vries and Lawrence Eugene Sullivan (eds.), *Political Theologies: Public Religions in a Post-Secular World* (New York: Fordham University Press, 2006). I am following the broad definition of political theology offered by Peter Scott and William Cavanaugh: "Political theologies vary in the extent to which social sciences and other secular discourses are employed; the extent to which they are 'contextualized' or rooted in a particular people's experience; the extent to which the state is seen as the locus of politics; and the ways in which theological resources – scripture, liturgy, doctrine – are employed.... What distinguishes all political theology from other types of theology or political discourse is the explicit attempt to relate discourse about God to the organization of bodies in space and time." *The Blackwell Companion to Political Theology* (Malden: Blackwell, 2004), 2. Thus,

throughout this book, it is vital and important to make careful distinctions between how we understand Christian theologies of law, Islamic thought, *sharīʿa* and *fiqh* (Islamic jurisprudence), and the relationship between the mosque, church, and modern state. As Williams wrote elsewhere, "When we look at the Islamic world we are not looking at an intellectual monolith any more than we are looking at a political monolith. But so long as Christians and Muslims both have commitments to do with the historic origins of their faiths and so long as they agree in seeing that their faith implies a universal offer of wisdom and salvation, there is inevitable tension, inevitable conversation, disagreement and negotiation to pursue."[26] However, it is important not to make these distinctions wholly within the hegemony of the nation-state or the imagination of modern politics but to attend to the theological, legal, and scriptural distinctions inherent within the traditions themselves. Islam itself has a long and contested history of debate around questions of legal pluralism, civil authority, consultation, and the aims and goals of governments. While it is certainly the case that the relationship between the ruler and law is far more complex than a top-down enforcement of *sharīʿa* through codification, this is not to say that classical Sunni Islamic political thought does not envision the human sovereign as pivotal for ensuring the law is upheld and the right commanded and wrong forbidden. Al-Ghazālī, for instance, claims that "religion is established through the ruler."[27] Similarly, al-Māwardī's *The Ordinances of Government* begins by

I do not draw a strong conceptual distinction between the "new political theology" of Germany of the 1970s, liberation theology of South America, public theology in the United States and United Kingdom, or theories of church and state. Instead, I see all of these approaches as differing strategies for approaching the same fundamental task of addressing the "political" in light of God and God's relation to the world.

[26] Rowan Williams, "Islam, Christianity, and Pluralism," *Islam and Christian-Muslim Relations* 19 (2008): 340.

[27] Al-Ghazālī, *On Patience and Thankfulness*, translated by H. T. Littlejohn (Cambridge: Fons Vitae, 2016), 118.

emphasizing the importance of the appointment of a sovereign or an imām who acts as the "vicarate of the prophecy in upholding the faith and managing the affairs of the world."[28] However, this is not to say that the imām or caliphate was viewed as the spokesperson for God. Rather, the political leader was charged with commending the right and forbidding the wrong within the horizons and constraints of God's law. Zahara Ayubi notes how, "[i]n Ghazali's mind, *fiqh*, or, as he calls it, the rule of law, is not the rule of God, but rather is the rule of administration based upon God's intent for society, and it cannot be implemented without administrative machinery."[29] Even still recent scholarship by Mona Hassan and Sohaira Siddiqui on figures such as Ibn Taymiyya and al-Juwaynī has shown how complex, diverse, and contested classical Sunni Islamic political thought was and remains.[30] Politics, power, religious leaders, public and ritual law, judges, and societies were both conceived of by theorists and enacted in practice in a variety of ways. There is no single Islamic position on politics, power, or law – either historically or in the contemporary world. To invoke a clean and artificial separation between religion and politics as the solution to the complications regarding religious identity and multiculturalism is to cede the dialogue to ahistorical rendering that imagines that modern and late modern views of the world are the only way to imagine public life. The political "problem" of Islam, then, is also a profoundly theological challenge to secularism and political liberalism, one that also directly impinges on political theology and Christian-Muslim dialogue. Modernism, as Seyyed Hossein Nasr

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[28] Al-Māwardī, *The Ordinances of Government*, translated by Wafaa H Wahba (Reading: Center for Muslim Contribution to Civilization, 1996), 3,

[29] Zahra Ayubi, *Gendered Morality: Classical Ethics of the Self, Family, and Society* (New York: Columbia University Press, 2019), 37–38.

[30] Mona Hassan, *Longing for the Lost Caliphate: A Transregional History* (Princeton: Princeton University Press, 2016); Sohaira Siddiqui, *Law and Politics under the Abbasids: An Intellectual Portrait of al-Juwayni* (Cambridge: Cambridge University Press, 2019).

wisely notes, is "a silent and often unnoticed partner in Christian-Islamic dialogue ... many ideas and practices which are now defended as Christian are the result of antireligious and secularist forces of modernism."[31] In light of this situation, to engage in political theology in our globalized and migratory world should also be partly an act of Christian-Muslim dialogue. Likewise, to engage in Christian-Muslim dialogue is also to address political and legal theory in our (post)secular age.

Christian Political Theology's Methodological Lacuna

Given the increasing visibility of Islam, it is somewhat surprising to find Christian political theologians in North America and Europe carrying on their projects with little to nothing to say about Islamic political ethics, let alone making attempts to engage in debate with Muslim intellectuals. This is in stark contrast to political theorists, religious studies scholars, and cultural critics for whom Islam is a central issue of concern and debate in our post–9/11 age. With a few notable exceptions that I examine in the next chapter, political theologians have largely either ignored Islam or engaged with Muslim concerns on a fairly superficial level – mostly around terrorism and religious violence. For instance, the introduction to the 2012 *An Eerdmans Reader in Contemporary Political Theology* highlights the specific challenge of Islam by asking if Christianity has "a kind of vision that can match the vision of Islam?"[32] However, the image of Islam that is propagated by the editors is devoid of nuance and marked by the same essentialisms that

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[31] Seyyed Hossein Nasr, "Comments on a Few Theological Issues in the Islamic-Christian Dialogue," in *Christian-Muslim Encounters*, edited by Yvonne Yazbeck Haddad and Wadi Z. Haddad (Gainesville: University of Florida Press, 1995), 465.

[32] William T. Cavanaugh, Jeffrey Bailey, and Craig Hovey (eds.), *An Eerdmans Reader in Contemporary Political Theology* (Grand Rapids: Eerdmans, 2012), xxiv.

dominate most public discourse about Islam. The form of Islam that is presented is described exclusively through Bin Laden and his militant and ardent antisecularism. It seems that even when Christian theologians and ethicists recognize the need to engage with Muslims, there simply does not appear to be a preparation for how to do so with any amount of nuance. As Daniel Migliore noted more than a decade ago, Christian theologians and ethicists lack sufficient knowledge and training to engage with Islam; "adding to the problem is the lack of preparation that the Christian church and Christian theology bring to this new and complex engagement with Islam."[33]

A quick scan of political theologies written in the United States and United Kingdom in the last decade by figures such as Eric Gregory, Oliver O'Donovan, and Jean Bethke Elshtain illustrates this oversight. Gregory's work offers "an Augustinian ethic of citizenship for the morally ambivalent conditions of liberal democracy."[34] In so doing, however, he does not directly address religious pluralism or difference, nor does he ever mention Islam and the myriad debates swirling around the relationship regarding Muslims and citizenship in the West. O'Donovan's *Ways of Judgment*, whose stated aim is to address issues vital to late modern society, largely skirts any consideration of Islam or religious pluralism, even as it offers perspectives on issues ranging from criminal justice to immigration to socialism.[35] By contrast, Jean Bethke Elshtain's *Just War against Terror* does engage with Islam, but does so through the lens of terrorism and Islamic extremism.[36] This neglect or oversimplification of Islam is curious since most of these figures

[33] Daniel Migliore, *The Power of God and the Gods of Power* (Louisville: Westminster John Knox Press, 2008), 116.

[34] Eric Gregory, *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship* (Chicago: University of Chicago Press, 2008), 13.

[35] Oliver O'Donovan, *The Ways of Judgment* (Grand Rapids: Eerdmans, 2005).

[36] Jean Bethke Elshtain, *Just War against Terror: The Burden of American Power in a Violent World* (New York: Basic Books, 2003).

are attempting to develop a political theology in an explicitly pluralistic and postestablishment West. Certainly, the lack of engagement with Islam does not undermine the internal goals and important insights of their work. However, it does indicate a broader methodological problem latent within contemporary political theology: a lack of concrete engagement with the specific claims, practices, and political theologies of religious others.

It has become something of a truism in political theology and Christian ethics to depict life in the late twentieth century and early twenty-first century as post-Christian and, increasingly, postsecular. Nearly all contemporary political theologians recognize the realities of social and religious pluralism, and yet they largely carry on writing without attention to or engagement with the particularities of other religious traditions. Instead, broadly speaking, there are currently two dominant methodological approaches evident in theo-political accounts of pluralism and difference. The first strategy tackles religious pluralism as part of the larger challenge of social pluralism and thus tends to marginalize questions of religious difference. The second explicitly addresses the challenge that religious difference poses to political life, but does so through a discussion of religious pluralism in the abstract. Elided in both of these approaches are the unique challenges, contours, and perspectives on public life that distinct religious communities offer.

The most common strategy for addressing the politics of religious pluralism is to subsume the specific challenge of religious diversity within a broader account of either difference or tolerance. Three recent examples of such an approach are found in Kathryn Tanner's *The Politics of God: Christian Theologies and Social Justice*,[37] David Fergusson's *Church, State and Civil Society*,[38] and

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[37] Kathryn Tanner, *The Politics of God: Christian Theologies and Social Justice* (Minneapolis: Fortress Press, 1992).

[38] David Fergusson, *Church, State and Civil Society* (New York: Cambridge University Press, 2004).

Kristen Deede Johnson's *Theology, Political Theory and Pluralism: Beyond Tolerance and Difference*.[39] All offer robust theological arguments for valuing difference and respecting otherness within the political and theological arenas. In so doing, they present frameworks through which Christians might sympathetically and critically engage political liberalism, recognizing its strength and flaws. Kathryn Tanner's book, for instance, leverages her "noncompetitive account" of divine and human relations in order to "show how Christian beliefs about God and the world may be disentangled from a history of use in support of a status quo of injustice and reconstituted as a resource for commitment to progressive social change."[40] A key aspect of Tanner's argument is a critique of hierarchy and a theological defense of respect for otherness and difference. She contends that since God is utterly unique and transcendent, God's relations to creatures need not employ intermediaries. God relates to each creature directly as the one who creates, upholds, and redeems them. While Christians have referenced divine transcendence throughout their history to support hierarchy and human lordship over others, the internal logic of Christian belief actually should cut in the opposite direction. Thus, Tanner maintains, "The kind of community Christians holding my account of God and creation should judge appropriate for creatures of God, and the kind of community that Christians holding those beliefs should promote as members of social bodies, is one that celebrates, rather than denigrates or devalues, differences among persons."[41] Respect for others and difference are sociopolitical consequences of faith in God's transcendence and creative power.

David Fergusson's work offers an account of how the Church in a post-Christian and pluralist environment might relate positively to

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[39] Kristen Deede Johnson, *Theology, Political Theory, and Pluralism: Beyond Tolerance and Difference* (New York: Cambridge University Press, 2007).

[40] Tanner, *The Politics of God*, vii.

[41] Ibid., 193.

the state and other social actors. One important component of his political theology is that "distinctive theological arguments for religious tolerance" provide an alternative grounding for the advancement of "some of the features of liberal society."[42] He claims that theo-political arguments for tolerance of religious division, especially early modern ones, prove more adept at responding to our challenges of globalization and religious difference than the "modern philosophy of autonomy."[43] Such a theological grounding for tolerance rejects the relativism of late modern capitalism's fixation on individual choice in favor of thick public spaces in which debate and discourse is carried out. Tolerance, then, need not be either relativism or the privatization of religion. Instead, a theological account of tolerance gives space for the pursuit of social goods and community formation in the context of differing moral commitments.

Certainly, Fergusson's and Tanner's theological support of the political and Christian wisdom of practical tolerance and respect for difference is a vital component of a political theology of religious pluralism. However, insofar as these works remain largely concerned with the general problem of respect, difference, and tolerance, they are insufficiently concrete and thus provide limited guidance for addressing the distinct challenges that differing religious and cultural communities present. For instance, it is unclear how tolerance or respect for difference can respond to certain Muslim communities' demands for the legal recognition of *sharī'a* within Western states. Tanner's arguments for the importance of discourse and "a genuine community of argument"[44] provide some practical suggestions for how these questions might be adjudicated. And yet such debates demand specific engagement

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[42] Fergusson, *Church, State and Civil Society*, 69.

[43] Ibid., 92.

[44] Kathryn Tanner, *Theories of Culture: A New Agenda for Theology* (Minneapolis: Fortress Press, 1997), 123.

with Islam (or other traditions). Tolerance and respect are a condition for proper engagement with religious others; however, tolerance and respect alone do not demand such engagement. On this specific question and a host of others, there are, as David Hollenbach so aptly asserts, certain "problems tolerance cannot handle."[45] What is needed is not only a theology of tolerance and respect but also a theology of the necessity of political engagement with religious others.

At first glance, Kristen Deede Johnson offers an alternative to the largely politically liberal arguments of Tanner and Fergusson. She presents a thoroughgoing critique of grounding political theology primarily in toleration and respect for difference. Her book is structured as a dialogue between liberals, post-Nietzschean political theorists, and her own retrieval of Augustine. She aims to "contribute something to the creation of a picture in which Christianity and the other constituencies of Western society live and converse together in ways that are more true to their identities and differences than either political liberalism or post-Nietzschean political thought currently allows."[46] This statement, however, and her focus on John Rawls, William Connolly, and Chantal Mouffe indicate her underlying assumption that "constituencies of Western society" are primarily Christian, liberal, or post-Nietzschean. What is lost in such a description is the sheer religious diversity within "Western Society" – which includes significant numbers of Jews, Muslims, Sikhs, Hindus, and Buddhists, not to mention adherents of other forms of religion. As William Connolly has argued, "To pursue a new pluralism appropriate to the contemporary world is therefore to come to terms with the expansion of religious diversity within western states."[47] Attention to this religious difference would at the

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[45] David Hollenbach, *The Common Good and Christian Ethics* (New York: Cambridge University Press, 2002), 32–61.

[46] Johnson, *Theology, Political Theory, and Pluralism*, 26.

[47] William Connolly, *Pluralism* (Durham: Duke University Press, 2005), 61.

very least complicate, if not invalidate, her claim that Augustine's vision of two cities and his Trinitarian ontology offer a more inclusive approach than either liberals or post-Nietzscheans offer. In light of our situation of religious pluralism, strong reliance on Augustine demands at least some rewriting of how the eschatological division in the *City of God* between the saved and the reprobate might serve in our political context. Thus, even when naming difference as a theological and theoretical starting point, Johnson fails to address the actuality of religious difference and instead relies on a generic account of pluralism. Like Tanner and Fergusson, Johnson largely approaches the theological challenge of pluralism and difference as a social and political one, not an issue that demands interreligious engagement.

The other dominant strategy for addressing the political challenge of religious pluralism is more promising since it approaches religious difference as a specific issue in its own right. For instance, part of the project of Charles Mathewes's *A Theology of Public Life* is to sketch a theology of engagement appropriate for the political and theological issues raised by religious pluralism.[48] He aims to address the question of "how should Christians live with non-believers and with 'other-believers'?"[49] In asking this specific question, Mathewes aims to shift attention away from debates with political secularists and toward engagement with religious others. "Theology should reframe its understanding of dialogue with others, rejecting as the dominant frame the apologetic debate with secular modernity, and replacing it with an understanding informed by dialogue with other major traditions."[50] Secularist discourse is restricting and largely subjectivist and thus forestalls

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[48] Another promising framework for addressing religious pluralism that nevertheless fails to follow through with actual dialogue is found in David Hollenbach's account of intellectual solidarity in *Christian Ethics and the Common Good*, chapter 6.

[49] Charles Mathewes, *A Theology of Public Life* (New York: Cambridge University Press, 2007), 107.

[50] Ibid., 116–117.

true dialogue and engagement. In contrast, dialogue with religious others opens up a broader conversation in which engagement on questions of identity, metaphysics, and the good life are possible.

Mathewes advocates for an alternative to the so-called neutral realm of public reason. He advocates for "a humbly confessed particularism. We should confess the dogma we hold ... we work from within Christian convictions, and both our motives and our basic premises are distinctly Christian."[51] Under such a model, the deepest commitments of Christians as well as religious others are brought forward in conversation and debate and not silenced prematurely in the name of neutrality. To do this, Mathewes advocates for a form of "inter-traditional" semi-languages, neither the indigenous language of traditions nor the so-called neutral public reason, through which conversation on issues of common concern might occur. He contends that traditions might speak from their particularism to one another through a halting, learned, and temporary shared second language. Particularism, then, need not eliminate the possibility of theological and political agreement across traditions. In fact, the aim of entering into dialogue with religious others is to enhance both the self and the public. "While appreciating differences as needful, we also must find genuine ways to have real engagement, real conversation; and such a project will always find commonalities beyond (but not necessarily before) the differences."[52] Dialogue with religious others, then, is an important and necessary aspect of political theology. It is an arena through which humans might experience growth, humility, understanding, and ultimately conversion toward shared work in the world.

While Mathewes's methodological claims have much to commend them and resonate at important points with the comparative political theology that I will advocate, two issues demand redress. First, a theological problem: Mathewes avers that religious

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[51] Ibid., 135.
[52] Ibid., 119–120.

pluralism is part of the larger theological issue of otherness, one that finds its ultimate expression in the divine other. In rooting the challenge of political pluralism in the broader confrontation with otherness, specifically the human relation to God, Mathewes blurs a number of important theological distinctions. He makes little to no distinctions among the different types of "otherness" that constitute divine–human relations, human–human relations, and intradivine relations. Our relationship to one another and the otherness therein, while possibly an analogy to the divine other, cannot be equated as easily or as directly with God as the divine other as Mathewes contends. God is other to us in a way that is distinct from the otherness that we encounter in creatures. Certainly, the Christian tradition contends that love of neighbor can be an act of loving God (e.g., 1 John 4). Still, our encounter with the differences within humanity occurs within the context of shared creatureliness; the otherness of God is of a wholly different kind. Even more problematically, Mathewes's invocation of the "otherness of the divine Trinity"[53] as an example of how "others have always been reconciled"[54] opens up a host of theological quandaries that are left unaddressed. It makes little sense to speak of the three Trinitarian persons, who are eternally of one nature, being reconciled. How can those who have never been estranged be reconciled? Moreover, how can the three hypostases that eternally dwell in unity offer any sort of analogy for adjudicating the religious and political difference among human communities? As Kathryn Tanner has compellingly argued, "Trinitarian relations, say, the co-inherence of trinitarian Persons, simply are not appropriate as they stand for human relations"[55] Simply put, it is unclear what guidance a Trinitarian

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[53] Ibid., 109

[54] Ibid., 107.

[55] Kathryn Tanner, *Jesus, Humanity and the Trinity: A Brief Systematic Theology* (Minneapolis: Fortress Press, 2001), 82. For a longer argument against social trinitarianism, see Kathryn Tanner, *Christ the Key* (New York: Cambridge University

ontology of difference provides for a theology of engagement or why it is necessary for the political theology of dialogue Mathewes offers.

Second, on a practical level, Mathewes's important contention that dialogue and debate are vital for a theology of engagement with religious pluralism remains a largely theoretical claim and thus the promise of his chapter 3 is not carried out in the later part of the work. When he makes the turn in part II toward writing his constructive proposal, religious pluralism or dialogue with Muslim, Jews, or other religious traditions rarely if ever appear. Religious pluralism is said to be an important issue that demands engagement, but the distinct claims of other religions are not treated as something that is either worth debating or that might constructively aid Christian thinking. Once the theoretical problem of religious difference is addressed through a theory of dialogue, difference, and common ground, the challenge of religious pluralism appears settled. In the end, Mathewes's work is indicative of the second methodological strategy in which religious pluralism is a distinct issue of concern, but is addressed in largely theoretical or abstract terms.

The problem of addressing the politics of religious pluralism through a theoretical account of pluralism is that it fails to account for the vastly different approaches to public engagement embodied in diverse religious and cultural traditions (both the differences between religions and the differences within them). For instance, how a Reformed Jew born in the United States understands their national citizenship cannot be equated directly with how a nationalized Hindu from Sri Lanka might relate to the same issue. In terms of Islam, Jehu Hanicles points out how "unlike the New Age movement, which lends itself to the privatization of religion engendered by secularism, more robust religious systems such as Islam

Press, 2010), 207–246, and Linn Marie Tonstad, *God and Difference: The Trinity, Sexuality, and the Transformation of Finitude* (New York: Routledge, 2015).

threaten the ideals of Western secularism more directly."[56] For instance, Chancellor Angela Merkel has asserted, with echoes from Benedict XVI, that German culture and politics depend on Christian concepts that must be accepted at least latently by all citizens. The specter of a past Christendom and its long battle with *dār al-Islām* is now being increasingly invoked in political and popular discourse, especially to reinforce conservative nationalist parties and anti-immigration agendas. Given these facts, the questions that currently dominate theological and political debate such as citizenship, public reason, toleration, pluralism, secularism, and Christian uniqueness in a postsecular world would seem to invite engagement with other religious perspectives in their concrete particularity.[57] And yet religious pluralism, even when said to be vital to a Christian account of the political, is largely addressed as a theoretical or sociological reality, not as an invitation to interfaith dialogue and debate.[58]

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[56] Jehu Hanciles, *Beyond Christendom: Globalization, African Migration, and the Transformation of the West* (Maryknoll: Orbis, 2008), 254.

[57] Luke Bretherton's latest work, *Christ and the Common Life: Political Theology and the Case for Democracy* (Grand Rapids: Eerdmans, 2019), was published just as this book was going to press and thus a full study was not possible. The chapter on "Toleration with Hospitality" does consider questions of interfaith relations and Christian hospitality, which would seem to locate Bretherton's proposal in line with second of the two strategies described above. That is to say, he does address the distinct challenges of religious pluralism but does so in the abstract or what he calls the "ideal-typical categories" (p. 272) of non-Christians and not through the particularity of diverse living traditions.

[58] In some sense, there is a loose analogy between our theological context and that of the German-speaking world in the late 1960s and early 1970s. After a generation of relative theological silence in the face of the Shoah, Jürgen Moltmann and Johan Baptist Metz, among others, attempted to think theologically. Such theological reflection demanded addressing the history of anti-Semitism in the Christian tradition, listening attentively to Jewish thinkers, and reconsidering classic paradigms of theodicy. Of course, the Shoah and the history of anti-Semitism within the Church cannot be directly compared to the challenges raised by Islam. Nevertheless, our Zeitgeist is one in which Islam looms large and still few Christians have chosen to engage in a reconsideration of Islam, the history of colonialism, or the history of anti-Islamic rhetoric in the

In order to move beyond sociological and theoretical engagement with the politics of religious pluralism, political theology should broaden its methodology and engage in specific and concrete conversations with select thinkers from other religious traditions on specific themes of interest. What I am suggesting, then, is that political theology also become a form of comparative theology. Drawing from the methodology of comparative theology better equips political theology to address religious pluralism in its concrete particularity and thereby strengthens Christians' capacity to engage faithfully and honestly with Muslims around pressing questions of the law, secularism, and citizenship. To make this case, it will be necessary to understand exactly what comparative theology is and how its methodology might aid Christian political theology in the task of engaging with Islamic thought and practice.

Comparative Theology

Comparative theology is a relatively new theological discipline that emerged out of discontent with Christian theologies of religion.[59] Theologies of religions, especially the soteriological categorizes of exclusivism, inclusivism, and pluralism presented by John Hick, have come under increasing criticism from a wide range of theologians, such as Wolfhart Pannenberg, Gavin D'Costa, and Jeannine Hill Fletcher. Comparative theologians, while sympathetic to both the aims of pluralism and its recent critics, worry that theologies of religion pay insufficient attention to theological particularity and

Church. The shifts in theological thinking and methodology brought about by dialogue with Judaism after the Shoah may be a guide to a reconsideration of Christianity and Islam in the late modern world.

[59] For an introduction to comparative theology and its relationship to comparative religion and theologies of religion, see Reid B. Locklin and Hugh Nicholson, "The Return of Comparative Theology," *Journal of the American Academy of Religion* 78, no. 2 (June 2010): 477–514.

the often-competing visions of the world and God that religions present. Part of the problem is that theologies of religion largely attempt to account for religions in general and not religious communities and their theologies in their specificity. For instance, whether members of other religions can be saved is an important question for Christian theology to ask. And yet in asking this question another question remains unasked, namely, what exactly does salvation consist of in other traditions? As S. Mark Heim points out in *Salvations*[60] and *Depths of Riches*,[61] other religious communities have distinctly different views of humanity's and creation's ultimate end. Nirvana and the beatific vision cannot simply be equated. To claim, as certain proponents of the pluralistic position do, that all religions ultimately lead to salvation or God is therefore to avoid the challenges raised by religious diversity and different traditions' distinct views of human *telos* and the divine. James Fredricks contends, "Theologies of religion, including pluralist theologies, can easily become a sophisticated way to avoid dealing with the moral, theological, and spiritual challenges that non-Christian religions pose to Christian believers today."[62]

In response, comparative theology proposes a method to better account for theological and ethical distinctions while remaining open to learning from religious others. To do this, it critically appropriates from comparative studies of religion, in which religious traditions are theoretically analyzed on their own terms without recourse to a universal normative perspective. However, comparative theology attempts to advance beyond comparative studies of

[60] S. Mark Heim, *Salvations: Truth and Difference in Religion* (Maryknoll: Orbis Books, 1995).

[61] S. Mark Heim, *Depths of Riches: A Trinitarian Theology of Religious Ends* (Grand Rapids: Eerdmans, 2000).

[62] James L. Fredericks, *Faith among Faiths: Christian Theology and Non-Christian Religions* (Mahwah: Paulist Press, 1999), 163.

religion by insisting on the importance of theological analysis, an aspect often missing from religious studies. Comparative theology is constructive theology written as a hybrid between comparative study of religion and Christian theologies of religion. It trades grand theories of religious pluralism for "limited case studies in which specific elements of the Christian tradition are interpreted in comparison with elements of another religious tradition."[63] John Thatamanil, for instance, develops a nondualistic account of divine immanence through a conversation between Paul Tillich and San-kara.[64] Michelle Voss Roberts's *Dualities* brings female voices into comparative theology through an analysis of the Christian Mechthild of Magdeburg's and the Hindu Lalleshwari's views on embodiment, the divine, and dualisms.[65] In both of these works, the goal is not to account for Christianity and Hinduism in every place or time but to explore how aspects of the Christian and Hindu traditions might illumine one another and open up new conceptual space for addressing challenges that face theology. As Francis Clooney defines it, comparative theology "marks acts of faith seeking understanding which are rooted in a particular faith tradition but which, from that foundation, venture into learning from one or more other faith traditions. This learning is sought for the sake of fresh theological insights that are indebted to the newly encountered tradition/s as well as the home tradition."[66] At its best, comparative theology does not seek a neutral ground in which to analyze all religions, but instead writes theology in and through

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[63] James L. Fredricks, "A Universal Religious Experience? Comparative Theology as an Alternative to a Theology of Religions," *Horizons* 22 (1995): 67–87.

[64] John J. Thatamanil, *The Immanent Divine: God, Creation and the Human Predicament* (Minneapolis: Fortress Press, 2006).

[65] Michelle Voss Roberts, *Dualities: A Theology of Difference* (Louisville: Westminster John Knox Press, 2010).

[66] Francis X. Clooney, *Comparative Theology: Deep Learning across Religious Borders* (Malden: Wiley-Blackwell, 2010), 10.

comparative and dialogical study, be it of texts, figures, issues, or lived practices.[67]

At times comparative theology might appear arbitrary with the thinkers or themes seemingly dictated more by the predilections of the contemporary theologian than by any real historical or theological engagement between the figures under comparison.[68] This concern might be partly attributed to the fact that Christian and Eastern traditions, which currently dominate comparative theology, often have not shared the direct historical connection or overlapping intellectual heritage of the Abrahamic religions. For many comparative theologies, these historical and metaphysical differences are part of the appeal and richness of the method. By bringing into conversation issues of thinkers with relatively distinct conceptions of God and world, fresh vistas, new insights, and surprising convergences can emerge in ways that are otherwise hidden in either a single tradition or the shared metaphysics of Judaism, Christianity, and Islam. Yet these gains often come at the cost of

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[67] Such a view is in contrast to Keith Ward's claim that comparative theology is "not . . . a form of apologetics for a particular faith but . . . an intellectual discipline which enquires into ideas of the ultimate value and goal of human life, as they have been perceived and expressed in a variety of religious traditions." Keith Ward, *Religion and Revelation* (New York: Oxford University Press, 1994), 40. In the final volume of his four-part comparative theology, Ward appears to have moved slightly away from such a strong contrast between comparative and confessional theology. "Naturally, each scholar will have a particular perspective. One might expect it to develop and deepen in the many conversations of comparative theology, but it will most probably remain the same in its fundamental elements, especially if the scholar is a member of a religious community." Keith Ward, *Religion and Community* (New York: Oxford University Press, 2000), 339. These differences between approaches to comparative theology have been clearly laid out in Catherine Cornille's *Meaning and Method in Comparative Theology* (Chichester: Wiley Blackwell, 2020). She distinguishes between approaches that remain primarily rooted in and responsible to a particular tradition, naming this confessional comparative theology, and those that are unconstrained by their traditions, naming this as meta-confessional comparative theology.

[68] John Thatamanil recognizes this worry in his foreword to Voss Roberts's work, but largely leaves it unaddressed.

a relatively ahistorical and apolitical theology. Even as comparative theology has expanded to include studies of ritual practice, lived religion, and oral traditions, as of yet, there has been little to no comparative theological work devoted to questions of political theology, law, or power.[69]

A comparative approach between Christianity, Judaism, and Islam walks into a much more delicate and historically fraught terrain. These traditions' history of overlapping scriptures and shared yet diverging views of God raise serious questions about how far comparative theology might actually go in addressing areas of acute theological disagreement. Take, for instance, the questions of the Trinity and Christology, where Muslims accuse Christianity of departing from classical monotheism. *Sūra al-Nisā'* (4:171) states:

> O People of the Book! Do Not exaggerate in your religion, nor utter anything concerning God save the truth. Verily the Messiah, Jesus son of Mary, was only a messenger of God, and his Word, which God committed to Mary, and a Spirit from God. So believe in God and His Messengers, and say not "Three." Refrain! It is better for you. God is only one God. The glory of God is too great that He should have a child.

Regardless of how well early Muslims actually understood Christian doctrines of the Trinity and Christology, such Qur'ānic injunctions continue to shape Muslims' views on Christian theologies of God.

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[69] For more on the ritual turn in comparative theology, see Marianne Moyaert, "Towards a Ritual Turn in Comparative Theology: Opportunities, Challenges, and Problems," *Harvard Theological Review* 111 (2018): 1–23. The questions of comparative theology's stance on politics and power has been critiqued by Judith Gruber, "(Un) Silencing Hybridity: A Postcolonial Critique of Comparative Theology," in *Comparative Theology in the Millennial Classroom*, edited by M. Brecht and R. Locklin (New York: Routledge, 2016), 21–35. While Gruber raises important questions about the apolitical nature of much comparative theology and how it masks questions of coloniality, essentialism, and race, she has yet to offer her own comparative political theology.

And as long as one wants to hold onto something approaching a traditional position on the incarnation, Muslims will likely to continue to view Christians as guilty of committing, or at least dangerously close to, *shirk*.[70] On such matters, comparative theology might help illumine and correct misunderstandings about the nature of Christian and Muslims claims about God, transcendence, and immanence, but it presses up against the limits of comparison.[71] To be a Muslim is to confess *tawḥīd* and the Qur'ān's finality and thus to reject both the incarnation and the crucifixion.[72] To be a Christian is to claim that God is present in the life, death, and resurrection of Jesus of Nazareth.

David Burrell and a Comparative Account of Creation

The intractable nature of theological debates regarding Jesus Christ, God's (tri)unity, and divine revelation does not mean that comparative theology yields no fruit when engaging with the heirs of Abraham.[73] David Burrell's study of the philosophical and

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[70] *Shirk* is the sin of idolatry or associating anything that is not God with God and thereby compromising God's unity and transcendence.

[71] For an example of some of the challenges of comparative theology in relation to Christology, see Mona Siddiqui, *Christians, Muslims, and Jesus* (New Haven: Yale University Press, 2013), and Mouhanad Khorchide and Klaus von Stosch, *Der Andere Prophet: Jesus im Koran* (Freiburg im Breisgau: Verlag Herder, 2018).

[72] *Tawḥīd* is the Islamic doctrine of God's absolute unity and oneness.

[73] The Scriptural Reasoning Project, in which Christians, Jews, and Muslims gather to read and discuss one another's sacred texts, is another example of how such differences might be engaged more constructively. See David Ford and C. C. Pecknold (eds.), *The Promise of Scriptural Reasoning* (Cambridge: Blackwell, 2006). More recently, a number of important works in Christian-Muslim comparative theology have been published, particularly in German. For instance, Klaus von Stosch and Tuba Isik (eds.), *Prophetie in Islam und Christentum* (Paderborn: Ferdinand Schöningh, 2013); Muna Tatari and Klaus von Stosch (eds.), *Trinität: Anstoß für das islamisch-christliche Gespräch* (Paderborn: Ferdinand Schöningh, 2013); and Klaus von Stosch, *Herausforderung Islam: Christliche Annäherungen* (Paderborn: Ferdinand Schöningh, 2016). Von Stosch offers a particularly provocative and productive methodology that is

theological development of the doctrine of creation in the medieval period is a particularly compelling example of the insights gained through comparison. He offers an interfaith genealogy of the doctrine of creation and the creator/creature distinction through analysis of Ibn Sina (Avicenna), Ibn Rushd (Averroes), al-Ghazali, Maimonides, and Thomas.[74] "Creation offers the one area where we can track interaction of some kind among these three traditions."[75]

According to his account, Jews, Christians, and Muslims in the medieval period faced a conundrum. All shared a commitment, dictated by their own readings of scripture, to God's freedom in creating. Creation, according to classical readings of Genesis and the Qur'ān, is an entirely free act of God. "No external incentive nor internal need can induce God to create, for this creator need not create to be the One by whom all that is can originate."[76] And yet if God is free and transcendent from creation, God also "outstrips our capacities for characterization."[77] How, then, is it possible to speak about God's relation to creation, if God stands beyond any categories? How might the traditions hold fast to their scriptural insights about not only God's freedom to create but also their witness to God's engagement with creation? Such questions are both complicated by and illuminated through Judaism's, Christianity's, and Islam's shared Aristotelian and neo-Platonic heritage, and their models of emanation and participation.

grounded in a problem-oriented approach to dialogical exchange. Rather than focus on two texts or figures, von Stosch focuses on the distinct questions and challenges that Islam poses to his own German Catholic positions and engages in answering these questions through philosophical, historical, and theological debate and study.

[74] See David B. Burrell, *Towards a Jewish-Christian-Muslim Theology* (Malden: Blackwell, 2011), *Faith and Freedom: An Interfaith Perspective* (Malden: Blackwell, 2004), and *Knowing the Unknowable God: Ibn-Sina, Maimonides, Aquinas* (South Bend: Notre Dame University Press, 1986).

[75] Burrell, *Towards a Jewish-Christian-Muslim Theology*, 12.

[76] Ibid., 11.

[77] Burrell, *Faith and Freedom*, 20.

The philosophical and theological responses to such questions are complex and occupy a long history of debate. What is interesting to note for our purposes is Burrell's claim that the various "solutions" proposed are achieved only as a result of direct and indirect interfaith collaboration. This is clearest in the case of Thomas Aquinas, who stands chronologically after many of the important Muslim and Jewish thinkers of the medieval period and who cites and engages with these figures explicitly in his work. Burrell carefully illumines how Thomas's solutions to these predicaments, for example, in which God's being (*esse*) is ontologically distinct from creation since only God's being exists itself (*ipsum esse*), are partly due to the philosophical and theological possibilities opened by Jewish and Muslim thinkers that preceded him. He notes, for instance, how Thomas recasts Avicenna's "primal distinction between *essence* and *existing* by elevating *existing* from the oxymoronic status of an *accident* to that of an *act*."[78] Such a move allows Thomas to affirm that God is free from creation, as only God exists in Godself, and that creation can participate in God "since every creature exists only by participating in the inexhaustible act of existing which is the creator. That is, no creature can *be* without its inherent link to the creator."[79] The doctrine of *creatio ex nihilio* and the accompanying claims about God's simplicity, unity, and eternity is further clarified not only through internal scriptural commitments and engagement with Greek philosophy but also through interfaith exchange and learning. Importantly, then, Burrell illustrates how exchange, mutual debate, and shared learning are not a product of modernism alone nor a compromise to faith commitments, but have deeper roots in Muslim, Christian, and Jewish history.

In addition to providing a historical example of Muslim, Christian, and Jewish exchange and mutual enrichment, Burrell's

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[78] Burrell, *Towards a Jewish-Christian-Muslim Theology*, 21.
[79] Ibid., 20–21.

comparative theology also presents a strategy for balancing between the extremes of conciliation, in which particularity is lost through either privatization or relativism, on the one hand, and isolation or confrontation, on the other, in which traditions are closed in on themselves.[80] Burrell rejects the Enlightenment view of a universal neutral rationality that is severed from tradition and the practices that shape human persons. As Wittgenstein and McIntyre have shown, because language and human reason are intrinsically embedded within traditions and practices, there is no neutral rationality. The heritage of Western Enlightenment reason, in which religious difference and particular revelation is a scandal, is largely taken over by advocates of religious pluralism. Burrell demurs from such views in claiming, "We need to step outside of our presumptive certainties – those of our faith as well as those of a Western intellectual superiority that would minimize the truth claims of any religious traditions."[81] The danger of both Enlightenment modernity and contemporary advocates of a theology of religious pluralism is that their quest for human harmony and unity comes at the cost of particularity and what is most central to many religious traditions. For Burrell, "The fact that all religions make totalizing claims is a constituting feature of such faiths; it is not up to us to relativize them from some purportedly superior perspective."[82] However, the fact that religious claims exist within distinct linguistic communities does not foreclose the possibility of learning and reasoning across traditions. Burrell thus presents a model of "creative hermeneutics, whereby conceptual patterns, often developed separately, can illumine one another."[83] The skills and

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[80] As the next chapter will show further, these are the two dominant modes of Muslim-Christian encounter according to Clinton Bennett's *Understanding Christian-Muslim Relations: Past and Present* (New York: Continuum, 2008).

[81] Burrell, *Faith and Freedom*, 215.

[82] Ibid., 196.

[83] Burrell, *Towards a Jewish-Christian-Muslim Theology*, xii.

rationality that are developed through engagement with one historic tradition can equip practitioners to see and learn from another. "Rationality will then show itself in practices that can be followed by persons operating in similar fashion from different grounding convictions."[84] Differences of belief or practice can prove particularity illuminating as they invite reconsideration of internal theological claims. Differences "help us move out of settled patterns of discourse into ways of understanding 'the other' and a consequent fresh appreciation of our own traditions."[85]

Building on Burrell's approach to Christian-Muslim comparative theology, it is possible to move out from his focus on creation and anthropology to even more contentious issues. For instance, even when Christians do not share in Muslim convictions regarding the Qur'ān's centrality and finality, their own understanding of Christ's existence as the Word of God and Christian Scripture's importance for theology better equips them to follow the reasoning of Islamic arguments that appeal to the Qur'ān's status as divine Word. This model of comparative engagement is not what Catherine Cornille calls "meta-confessional," seeking a transreligious account of divine speech, but instead allows the shared frameworks and diverging understanding of Islam and Christianity to challenge one another, even as the theologian remains formed and bound by the norms of their own confessions. The real and powerful differences that often fuel polemics and apologetics are not overlooked. Instead, such a comparative theology engages the polemical areas of Christian-Muslim debates, but with an irenic posture that seeks to learn from critiques and then rearticulate and explore fundamental theological claims in conversation with the other tradition. As the important recent work of Daniel Madigan, Klaus von Stosch, and Jerusha Lamptey show, albeit coming from different traditions and with

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[84] Burrell, *Faith and Freedom*, 203.
[85] Ibid., 195.

distinct aims, even Christology and the Qurʾān can be a site for mutual learning.[86]

A Comparative Political Theology of Law

Building on this particularlist approach to comparative theology, encounters with Islamic claims about the centrality of the law and Muslim critiques of Christian visions of public law demand that Christians return to their own tangled debates regarding the relationship between the law and the gospel. It is the wager of this book that extending Burrell's historical example and recent comparative theology in Christian-Muslim dialogue and applying it to contemporary debates around public law and political secularism will (1) strengthen Christian political accounts of religious diversity in general and Islam specifically, by (2) offering a more complex and honest engagement with the challenges raised by *sharīʿa* than those presently on offer in Western Christian and secular discourses, which (3) presses Christian theology to reassess its own understanding of public law and the secular and how these are related to our theological claims concerning the law, the gospel, and the kingdom or rule of God, all of which combined (4) present a corrective to comparative theology's ahistorical and apolitical tendencies, while also encouraging political theology to engage more consciously with Islamic thought.[87] By adopting such a comparative approach, I hope to avoid two routes that dominate most discussion of

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[86] The theological payout of such comparative attention to the question of Jesus and the divine Word in Christian-Muslim debate is evident in the ground-breaking essay by Daniel Madigan, "People of the Word: Reading John with Muslims," *Review and Expositor* 104 (2007): 81–95. More recently, Jerusha Lamptey, *Divine Words, Female Voices: Muslima Explorations in Comparative Feminist Theology* (Oxford: Oxford University Press, 2018), and Khorchide and von Stosch, *Der andere Prophet: Jesus im Koran.*

[87] Joshua Ralston, "Political Theology in Arabic," *Political Theology* 19 (2018): 549–522.

political theology and Christian-Muslim-secular relations today. The one mode leans strongly on the heritage and legal apparatuses of secular liberalism and thus too quickly silences religious commitments and their critiques of modernity. The other attempts to reassert the ultimacy of religious commitment and community over and against liberalism but does so largely by reinscribing the battle lines between *dār al-Islām* and Christendom. By contrast, a comparative approach aims to engage the concerns both of political liberalism – by seeking out common ground – and of traditional theological positions – by beginning with the particularity of religious commitments and theological depictions of the world, all the while avoiding the dangers of either accommodation or self-enclosure. The question is whether it is possible to advance theo-political positions that offer both a critique and alternative to the dominant paradigms of the modern neo-liberal state, but to do so while resisting theo-political hubris that assumes religion and theology alone might address the societal, economic, and legal injustices that plague societies.

To do this, I bring Christian debates on the relationship between the law, the gospel, and the grounding of political authority into conversation with both classical Islamic critiques of Christianity and twentieth- and twenty-first-century Islamic debates on the relationship between *sharīʿa*, secularism (*ʿalmānīya*), and civil/state law (*qānūn*).[88] A comparative focus on law is particularly promising since many Islamic debates on issues such as membership in the nation-state, obligations to public law, the relationship between divine and political power, and minority rights overlap with concerns that plague Christian political theology in the West. As the

[88] Writing as a Western Christian, the constructive political theology of the book will primarily be oriented to how Christian-Muslim relations function within the liberal nation-states of North America and Western Europe. However, the intertwined realities of globalization and migration make such a geographic distinction less than clean. Thus, at times I will touch on questions and emerging debates in the Arab world and sub-Saharan Africa.

historian Richard Bulliet succinctly notes, "The past and future of the West cannot be fully comprehended without appreciation of the twinned relationship it has had with Islam over some fourteen centuries. The same is true of the Islamic world."[89] Here it would be wise to follow Johan Baptist Metz's instincts: "The relationship between religion and politics at the limits of modernity cannot be discussed only in terms of the tensions between Christianity and modernity. Rather, it is increasingly necessary that the discussion include the relationship of the other monotheistic religions to modernity: the root monotheistic religion of Judaism, and also that of Islam, with its pointed cultural conflicts with European modernity."[90] A comparative or dialogical approach to political theology, then, is grounded in shared or at least overlapping commitments and interests – just as creation was a shared doctrine of concern during the medieval period. At the same time, analogous to Christology, a comparative political theology of law is concerned with an issue of recurring disagreement, misunderstanding, polemic, and debate: the place of law in both theology and public life.

Moreover, concrete engagement with Islamic debates regarding the law and its implications for citizenship and secularism also might aid Christian theological accounts of the relationship between the law and the gospel and its implications for theologically grounding public law. Political theology, especially the pressing questions around the relationship between secularism, the law, and membership in the nation-state, is an arena in which late modern Christian theology finds itself at an impasse. The debate that has marked much of post-Christendom political theology between what

[89] Richard Bulliet, *The Case for Islamo-Christian Civilization* (New York: Columbia University Press, 2004), 45.
[90] Johann Baptist Metz, *A Passion for God: The Mystical-Political Dimension of Christianity*, translated by J. Matthew Ashley (Mahwah: Paulist Press, 1998), 136–137.

Jürgen Moltmann describes as "identity" and "relevance" persists.[91] On the one hand, those who wish to affirm Christian distinctiveness, either through an ecclesially oriented political theology à la Stanley Hauerwas or a reinvigorated Christendom model à la John Milbank, struggle to offer a positive account of the liberal tradition, the secular state, or the shared pursuit of the social and communal justice. On the other hand, defenders of the liberal tradition such as the German theologians Hans Küng and Friedrich Wilhelm Graf or Reinhold Niebuhr in his later work elide the uniqueness of Christian claims and minimize the capacity of theology to stand over and against modernity and the nation-state. A similar division is evident within recent Islamic debates. "Islamists" such as Sayyed Quṭb and Ḥassan al-Turābī apparently refuse any positive assessment of political modernity, while secularists such as Bassam Tibi and Ṣādiq Jalāl al-ʿAzm fail to offer sufficiently Islamic or Qurʾānic arguments for political pluralism or the dangers of modernity. Both Christian and Muslim political theologians have struggled to chart a path that considers the genuine possible goods of political liberalism, accounts for the primacy of religious commitments, and provides a radical sociopolitical imaginary that can animate and sustain social action toward justice.

Part of this predicament is related to the challenge of how to relate "religious" law, and its accompanying claims on identity, to public law and citizenship. One of the central critiques of Muslim intellectuals of Christian political and legal thinking is of the ways that Western Christianity has acquiesced to accounts of law, be they classical Roman or Germanic or more recently Enlightenment or secular, that are disconnected to revelation and theology. The contemporary questions that swirl around *sharīʿa* and the state might serve as a prod for Christians to reconsider their own

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[91] Jürgen Moltmann, *The Crucified God: The Cross as the Foundation and Criticism of Christian Theology*, translated by R. A. Wilson (Minneapolis: Fortress Press, 1993), chapter 1.

relationship with public law and secularism. As Jehu Hanicles astutely notes, "Islam evokes old questions and threatens to breathe new life into an old ghost.... If the very public religiosity of Muslim minorities has evoked cultural angst and profound questions about European identity, it is because that identity, while now decidedly secular, is haunted by a religious past."[92] Political theology has thought too little about the theological underpinnings of the law, being largely occupied with debates about public reason, the political possibilities of love, social pluralism, and the relationship between the church and the nation-state. Part of this lack of attention to the law can be attributed to the fact that Christianity has no *sharī'a* or *halakah*, and thus its views on law are largely ad hoc, drawing at times from Roman law, at others from common law, natural law, or Enlightenment arguments. Such an ad hoc approach to the law need not be problematic and can in fact be a source of strength and flexibility in Christianity. At the same time, Seyyed Hossein Nasr has pointed out that Christianity's minimal focus on the law also makes it more susceptible to uncritically adapting or compromising with other forms of law. This can be partly attributed to the fact that, as Wolfhart Pannenberg has noted, Christian debates about how to relate the gospel to both the heritage of Jewish law and the civil law of particular governments "have still not been settled in the history of Christian theology."[93] The law, in both its theological and political dimensions, then, is a site where Christian reflection is needed and where a comparative method might prove particularly germane.

In writing a comparative political theology of the law, I largely leave aside important divisions in Muslim-Christian relations concerning Christology and the doctrine of God. While debates about Christology and the unity of God are present in the later part of the

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[92] Hanicles, *Beyond Christendom,* 263.

[93] Wolfhart Pannenberg, *Systematic Theology*, vol. 3, translated by Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1998), 60.

book, these more delicate theological questions are not comparatively engaged with the depth or clarity needed. Instead, they are tied to how Christians and Muslims understand the nature of law, political power, and God's rule. In one way, the primary focus is on what Moltmann terms the "political question" of dialogue.[94] And yet, a comparative political theology that focuses on "dialogues of life" or "dialogues of justice" cannot avoid the theological underpinnings of such claims. It has become a widespread practice to commend the common good and social justice as the proper starting point in Muslim-Christian relations. The perceived benefit of this methodology is to circumvent the "outstanding neurological issues" of God's (tri)unity, the nature of Jesus, the prophethood of Muḥammad and the status of the Qur'ān.[95] This activist approach to Muslim-Christian dialogue has become increasingly popular across theological, political, and denominational differences. For instance, *Nostra Aetate*'s remarks on Islam conclude by urging "all to forget the past and to work sincerely for mutual understanding and to preserve as well as to promote together for the benefit of all mankind social justice and moral welfare, as well as peace and freedom."[96] Similarly, both the "mainline" World Council of Churches and the evangelical movement of Lausanne have issued various documents advocating for social justice and shared common action as means for improving Christian-Muslim tensions. Moreover, theologians and ecumenists as diverse as Paul Knitter, Hans Küng, David Kerr, Charles Amjad-Ali, Lamin Sanneh, and Anne Hege Grung all prefer to shift the primary focus of Muslim-Christian dialogue away from theology proper to sociopolitical ethics and activism.

[94] Jürgen Moltmann, "Is Pluralistic Theology Useful for the Dialogue of World Religions?," in *Christian Uniqueness Reconsidered: Myth of Pluralistic Theology of Religions*, edited by Gavin D'Costa (Maryknoll: Orbis Books, 1990), 149–156.

[95] Burrell, *Towards a Jewish-Christian-Muslim Theology*, chapter 7.

[96] *Nostra Aetate*, §3.

While there is much to commend in this approach, it runs the risk of obscuring the ways that understandings of ethics and the common good are deeply shaped by theological and scriptural commitments that may not be shared. *Sharī'a* is a case in point. For most Muslims, any discussion of ethics, justice (*'adl*), and the common good (*maṣlaḥa)* inevitably will be understood not only through the Qur'ān and *ḥadīth* but also in light of the history of *fiqh* (Islamic jurisprudence) and *akhlaq* (ethical literature). Thus, a presumed area of common ground actually lands us firmly on one of the most controversial aspects in current Christian-Muslim relations: the law, politics, and revelation. To engage in dialogue about the common good is to enter into theological discussion about revelation, law and morality, and the divine will.

A brief example from the recent events in Egypt might help illustrate my point. One of the most enduring images to emerge from the protests against the Mubarak regime during 2011 was of a group of Christians who served as human shields encircling and protecting Muslims as they prayed. Throughout the protests and during the months that followed Mubarak's resignation, numerous interfaith rallies in the name of social justice and equality were held throughout Cairo and Alexandria. Sheikhs and priests marched in the name of a future Egypt, chanting "Muslims and Christians we are of one hand." Shared protest against a despotic regime offered a lived example of the type of sociopolitical dialogue advocated by so many. However, and often at the same time, intense conflict and debate flared throughout Egypt about how the new constitution might reflect the Muslim majority's desire to see Islam afforded a greater public role, specifically in the government and legal system. The rise of various Salafi political parties such as an-Nour and the victory of the Muslim Brotherhoods' presidential candidate, Mohammed Morsi, heightened the concerns of Christians, not to mention many Muslims. These inter- and intrareligious tensions were used to support and justify the military coup of 2013 that overthrew the democratically elected, but increasingly incompetent,

Muslim Brotherhood. In the case of Egypt, then, the public good has been and continues to be a site of both interfaith cooperation and rivalry. Advocating for shared common action without also understanding the ways that law, ethics, public good, and social life are intertwined with divergent theological and scriptural claims undermines the positive gains of such a sociopolitical dialogical approach.

A comparative theology of the law offers a theo-legal perspective on these complex realities, one that combines the best insights of the social justice approach with increased attention to ways that this is theologically, politically, and scripturally understood. Thus, while a comparative theology of the law stands within political theology and dialogues of the common good, the book also advocates for interpreting public law in light of its scriptural and theological underpinnings. A comparative political theology of law must resist the temptation to focus exclusively on the questions of public law, state establishment, and human rights to the exclusion of any examination of scripture, personal ethics, soteriology, and theology. To do so is unnecessarily to constrain the conversation to the terms dictated by national and post-Enlightenment politics. Islam largely resists such divisions, even if it too has not escaped the imaginative power of modernity. Nevertheless, the law in Islam, as in Judaism, binds together the public and private, the political and religious, and the secular and sacred. In this way, law is something of a hinge concept that pivots between realms that we in the West have grown accustomed to treating separately. As Felix Körner has argued, political and societal debates between Muslims and Christians cannot be closed off from religious and theological ones. "Dialogue must also address, both theologically and concretely, practical issues such as the state, society, and legal theory."[97]

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[97] This is the title of the fourth thesis in Felix Körner's "Reizwort Dialog: Wo das christlich-muslimische Gespräch schärfer werden muß," *Stimmen der Zeit* 8 (2008):

The type of comparative theo-legal exchange that this project advocates for could be carried out through a number of different loci or by focusing on other aspects or figures within each tradition. For instance, while this book argues against grounding debates around public law and *sharīʿa* in appeals to natural law, it does not deny that other Christians more committed to natural law might find conversation partners in the Islamic tradition. Anver Emon's arguments for reading al-Ghazālī's work as relying on a type of soft natural law, for instance, provided a fascinating angle for exploring the place of natural law in an Abrahamic trialogue.[98] Similarly, Damian Howard has leveraged Thomas Aquinas's configuration of law, both natural and divine, to contend that Christianity is truly a religion of law and that easy categorizations of Christianity as a religion of love or grace in contrast to Islam are misleading and unproductive.[99] Even without focusing explicitly on natural law as such with the Islamic tradition, there are other interesting resonances between Western visions of natural law and Islamic legal reasoning. The relationship between the *maqaṣid al-Sharīʿa*, which prioritizes the six higher purposes of the law, and John Finnis's assertion that there are seven basic goods that the law seeks to protect and nurture is one area worthy of comparative study. I have opted to focus on those aspects of both the Christian and Islamic tradition heavily invested in the primacy of revelation for understanding the divine law, one that does not overturn knowledge known via reason, conscience, and creation but does relativize it under the criteria of divine speech. The reasons for this are numerous, in part because my own theological commitments lie with trajectories of Protestant thought that are wary of appeals to

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538. "Eine radikale Ausklammerung der theologischen Fragestellung aus dem gesellschaftlichen Diskurs ist jedoch ebenfalls gefahrlich."

[98] Anver M. Emon, Matthew Levering, and David Novak, *Natural Law: A Jewish, Christian, and Islamic Trialogue* (New York: Oxford University Press, 2014).

[99] Damian Howard, "Islam and Christianity: On Religions of Law," *Islam and Christian-Muslim Relations* 24 (2013): 173–189.

nature since this both risks relativizing the unique and radical interruption of Jesus Christ and can reinscribe social hierarchies and practices of power as seemingly natural. Moreover, the particular debates and challenges of Sunni Islamic political and legal thought in the twentieth and twenty-first century – often simplified as Islamist – downplay notions of natural law and instead largely focus on arguments around divine revelation, the uniqueness of *sharīʿa*, and God's sovereign claim over political power. By placing these two traditions of thought and debate into comparative analysis through the motif of divine rule, I am also seeking to argue that theo-legal visions grounded in the deep particularity of a tradition, even in appeals to divine revelation, need not entail an inherent fundamentalism or a foreclosure of mutual exchange or tolerance in the interconnected and diverse societies of the twenty-first century. What the book aims to offer is a critical and coherent framework for engaging with Islamic debates about not only *sharīʿa*, *fiqh*, and political power but also Muslim critiques of Christianity's understanding of law's place in theology and politics. It does so from one in particular Christian perspective, broadly Protestant and Western but also open to the insights and ideas of other expressions of Christianity. While many committed to either a Protestant theology or a Sunni Islamic vision have rejected or will reject the other and view the other's theological and political vision as inherently problematic, this book argues that they need not. In fact, they might find productive space for theo-legal debate and mutual learning by attending to the broader contours and dynamics around claims to both God's rule over all of society and the gap between human understanding and God's law.

By exploring the diversity within both traditions and their debates around public law, a more nuanced perspective on our shared and diverging theologies and practices can emerge. In terms of public relations between Muslims and Christians, such theo-legal and political comparison aids adherents of both traditions to move toward enhanced commitment to issues of social justice and beyond

the fear and violence that characterizes recent Christian-Muslim relations. Such animosity is often fueled by caricatures, with secularism equated with immorality and godlessness by many Muslims and *sharī'a* viewed as simply barbaric and patriarchal by many Christians. A comparative political theology works to overcome such ignorance by producing a more honest assessment of the benefits and limitations of political secularism and liberalism than those currently offered by either its ardent defenders or detractors in the two traditions.[100] As I will argue in the next chapter, such a comparative political theology model of interfaith exchange – one that begins with the internal discourse and norms of each tradition, while also allowing for cross-pollination of others – is a more promising model for both political theology and Muslim-Christian dialogue than current Christian approaches to Islam that either seek conciliation through uncritical acceptance of Kantian paradigms or reinforce images of confrontation in the form of a clash between Christendom and *dār al-Islām*.

[100] Here theo-political dialogue begins to turn toward practice. Charles Amjad-Ali, a Pakistani Christian theologian, asserts that dialogue is "a process of discourse in which the communities involved go through their own respective *logos* to come to a common understanding of certain social and political problems" (Charles Charles and Amjad Ali, "Toward a New Theology of Dialogue," *Al-Mushīr* 33, no. 2 [1991]: 61). Such a methodology echoes Ḥassan Ḥanafī's contention that liberation theology and social justice are primary arenas for ecumenical and interfaith engagement.